

**PLAINTIFFS' MOTION IN
LIMINE NUMBER 5 TO
PRECLUDE GOOGLE
FROM INTRODUCING
DISPARAGING EVIDENCE
OR ARGUMENT**

EXHIBIT D

**Unredacted Document Sought
to be Sealed**



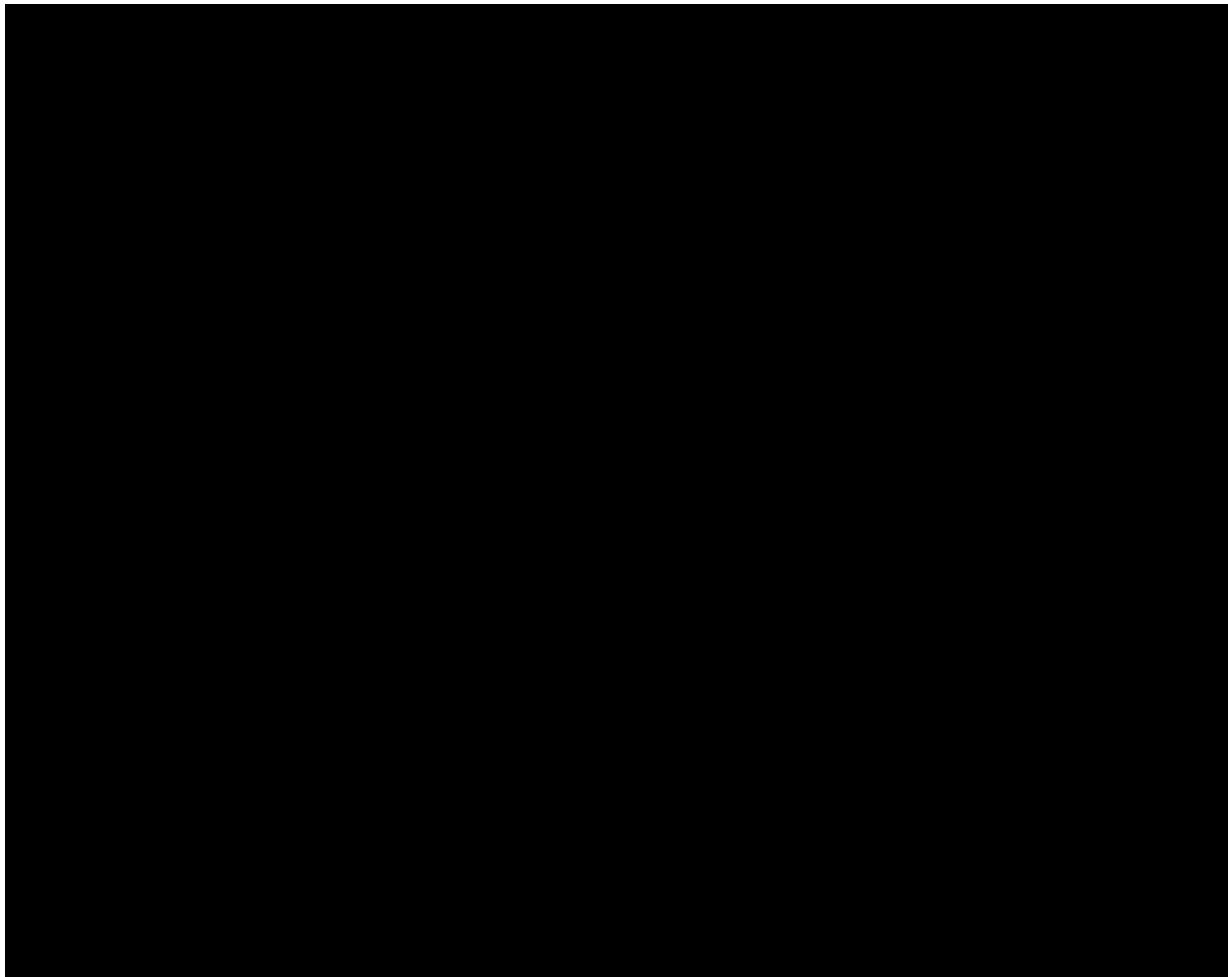
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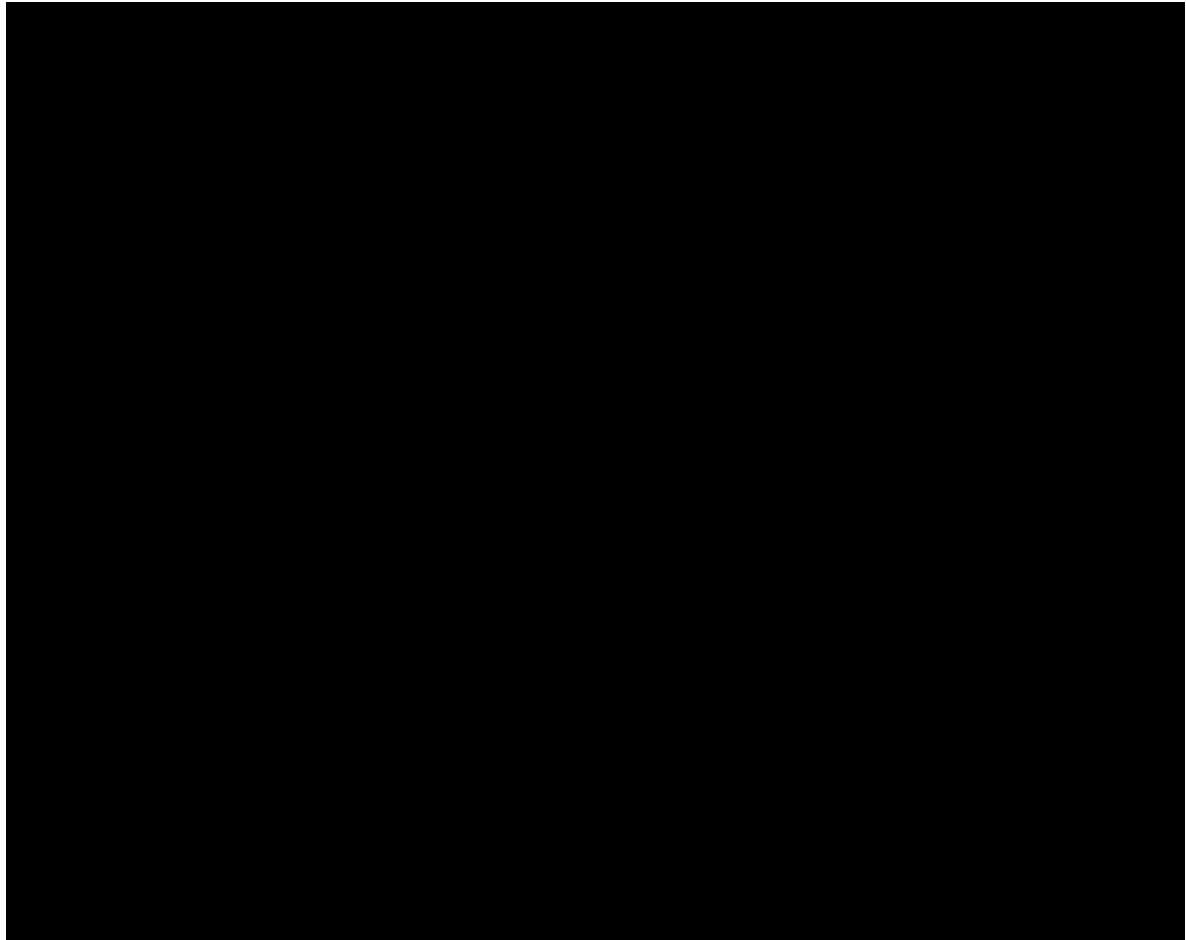
Giving Search users more privacy choices

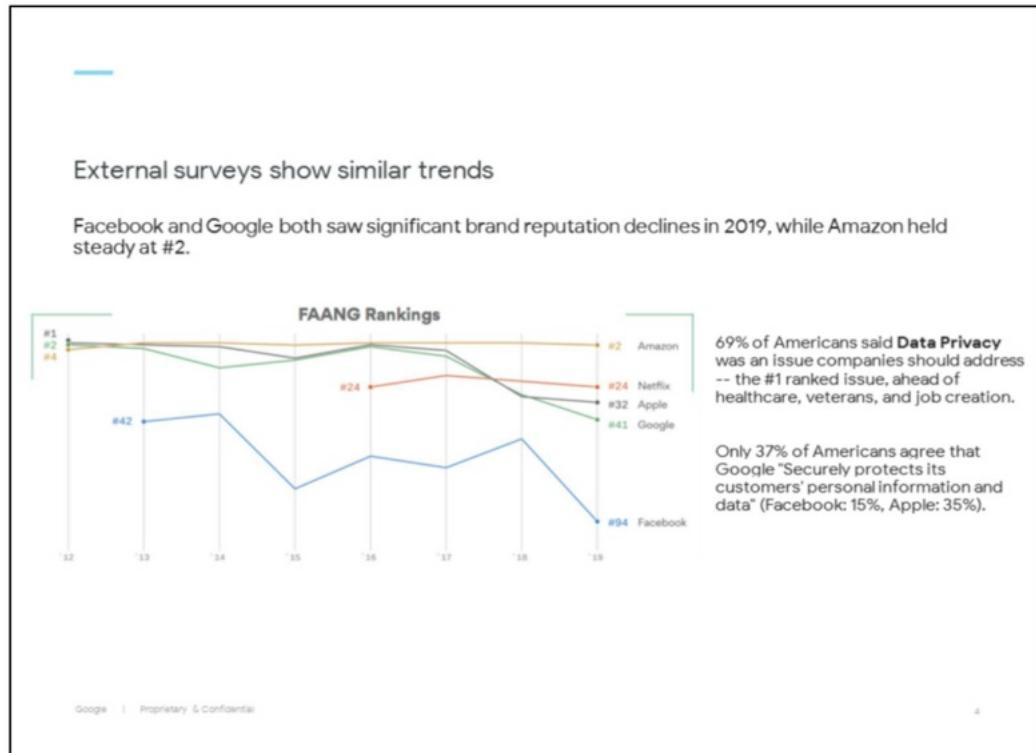
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jkearns, mholden · Apr 2019







Source: The Harris Poll
Facebook dropped -43 in ranking; Google -13.
Amazon held steady at #2

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Privacy topics continue to draw wide **media** attention

Farhad Manjoo
It's Time to Panic About Privacy
April 10, 2019

Jianan Qian
Feeling Safe in the Surveillance State
April 10, 2019

Charlie Warzel And Stuart A. Thompson
Tech Companies Say They Care
April 10, 2019

Sarah Jeong
A.I. Is Changing Insurance
April 10, 2019

We're Not Going to Take It Anymore

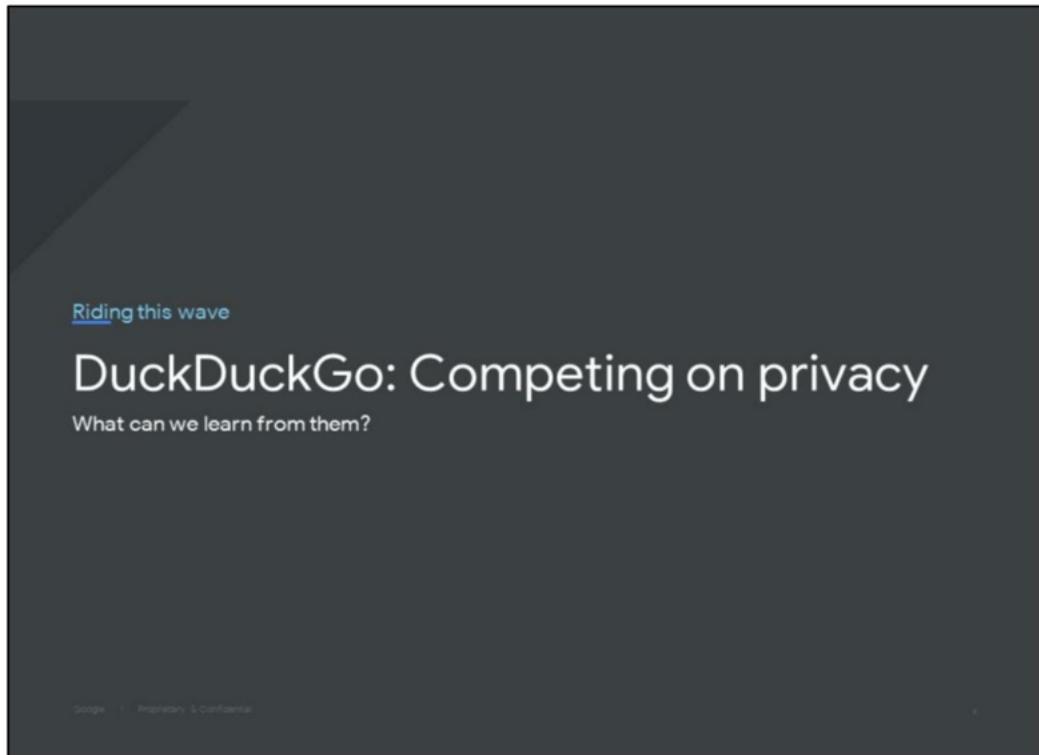
We've given up too much control over our digital lives. We need a law to take some of it back.

 **By Kara Swisher**
Ms. Swisher covers technology and is a contributing opinion writer.

"Do you want your television-watching linked to your search history linked to your buying data? No, thank you."

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Articles like this appear almost every week.
This is just a sample from the NYTimes last week.



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Tapping into the current zeitgeist



Welcome to DuckDuckGo

We're setting the new standard of trust online, empowering people to take control of their information.

You deserve privacy. Companies are **making money off of your private information** online without your consent.

At DuckDuckGo, we don't think the Internet should feel so **creepy** and getting the privacy you deserve online should be as **simple** as closing the blinds.



Search privately.

What you search for is your own business. Switch to the search engine that doesn't track you.

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Source: <https://duckduckgo.com/about>

3 main **selling points**

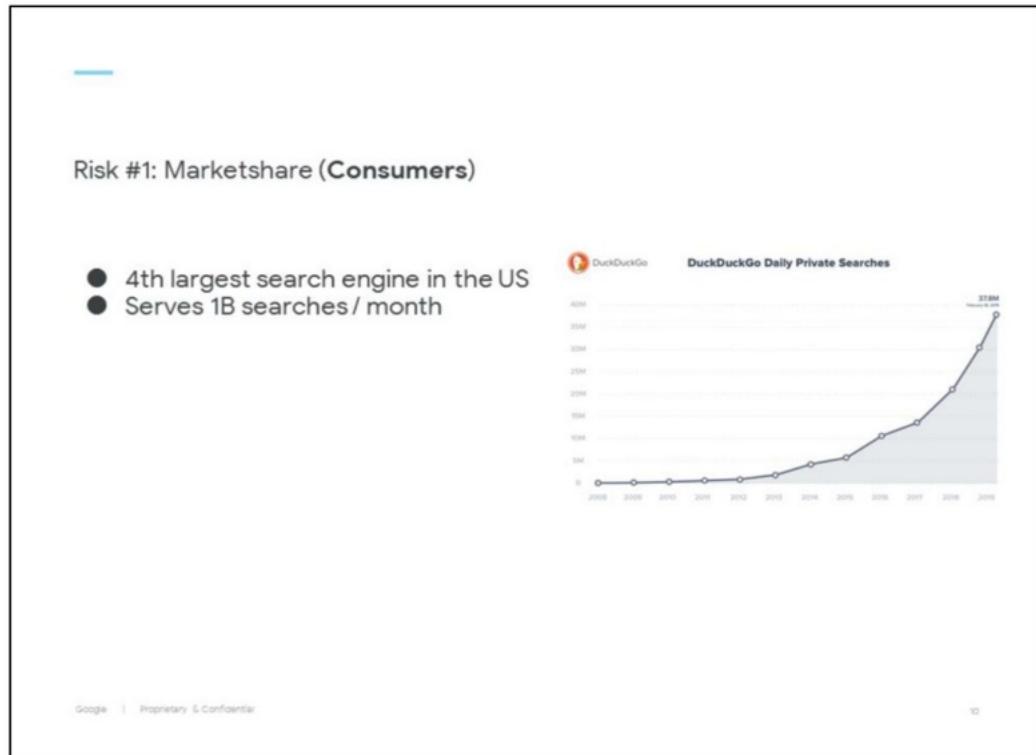
- **"We don't store your personal information. Ever."**
 - "Google tracks you and we don't."
 - "What you search for is your own business."
- **"We don't follow you around with ads."**
 - "Search secrets should remain private and away from the targeting of advertisers."
- **"Get unbiased results outside the filter bubble"**
 - "We're committed to unbiased search that's never based on your search history."

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A smart strategy ("privacy arbitrage")

Use "big tech" search+ad services, layer on stronger privacy messaging & guarantees to attract users, get revenue/margin from being the entry point.

- **Product (Search) is a known category**
 - No user education needed (product = Google)
- **Business model (Search ads) is established and validated**
 - Targets your query (contextual), not you (behavioral, demographic)
 - A lucrative business - with *zero* personal data needed
 - Syndicate BigCo ads (no need to build a sales team)
- **Leverage \$Bs in investment from other companies**
 - Microsoft/Yahoo provide web indexing and ad serving



Source: <https://spreadprivacy.com/us-senate-testimony/>

Risk #2: Mindshare (KOFs)

By reaching KOFs, press, and influencers, DDG can drive the conversation about privacy.

Blog: SpreadPrivacy.com
[Don't Track Us!](http://Don'tTrackUs.com)

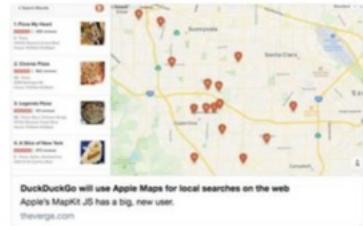
Twitter: [@duckduckgo](https://twitter.com/@duckduckgo) (800k followers)
[Talking points](http://Talkingpoints.org) for your friends
[Quora](http://Quora.com)

In contrast, Google is strong on security, but weak on privacy.

Walt Mossberg  [@waltmossberg](#)

Follow

I switched to DuckDuckGo and Apple Maps to better safeguard privacy. Neither is quite as good as Google, but I've been surprised at how close they are. And being private more than compensates for any deficiencies, IMO. cc @backlon



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Source: <https://twitter.com/waltmossberg/status/1085257073892511746>

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Risk #3: Policy (Regulators)

Ex: Weinberg testified before the US Senate Judiciary Committee in Mar 2019.

He recommends:

- Strong privacy legislation.
- Allow opt-out of all online tracking.
- Prohibit large companies from combining data across product lines.
- Block acquisitions.

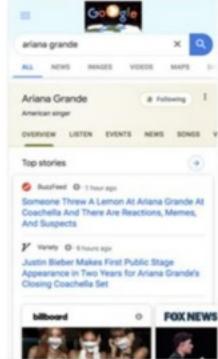
A formal invitation letter from the United States Senate Committee on the Judiciary. The letter is addressed to Gabriel Weinberg, CEO and Founder of DuckDuckGo. It is dated March 8, 2019, and invites him to testify on Tuesday, March 12, 2019, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building. The letter specifies the hearing is entitled "GDPR & CCPA: Opt-outs, Consumer Control, and the Impact on Competition and Innovation". The letterhead includes the names of the senators: Dianne Feinstein, D-CA, Chair; Richard J. Durbin, D-IL, Vice Chair; Ben Cardin, D-MD; Sheldon Whitehouse, D-RI; Dianne Feinstein, D-CA; Richard Blumenthal, D-CT; Mazie Hirono, D-HI; Bob Menendez, D-NJ; Mazie Hirono, D-HI; and John Kennedy, R-LA.

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Source: <https://spreadprivacy.com/us-senate-testimony/>

tl;dr - DDG offers users a **privacy choice**

Better search quality



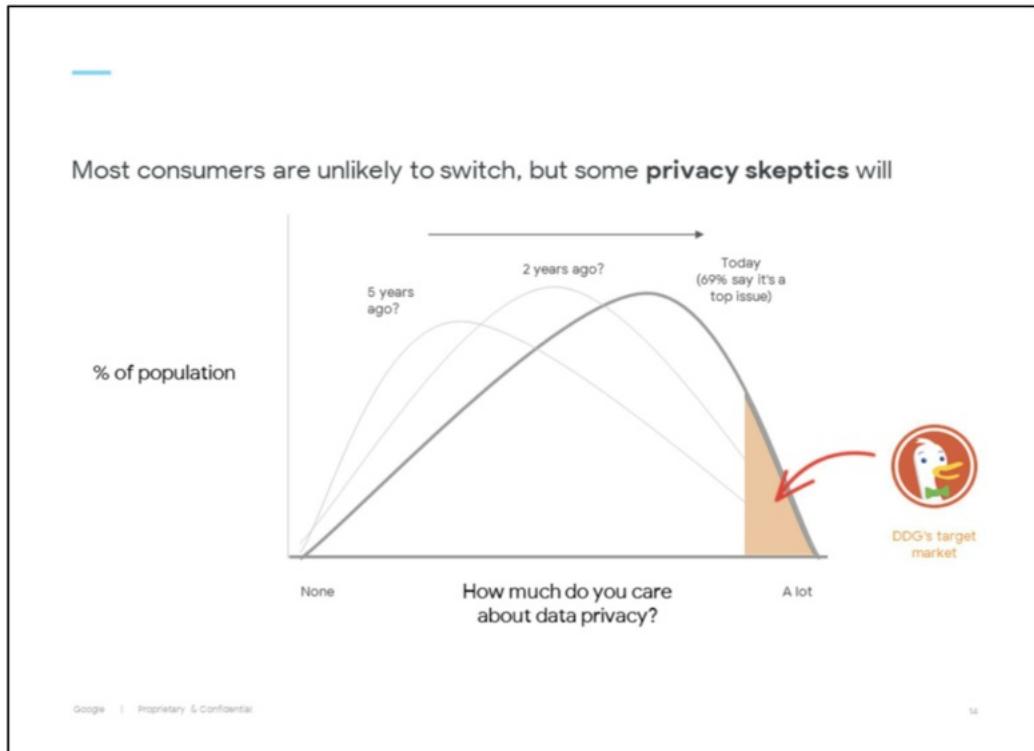
Stronger privacy with "good enough" search quality



- OR -

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Mossberg (link): DuckDuckGo isn't "quite as good as Google, but I've been surprised at how close they are. And being private more than compensates for any deficiencies, IMO."



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The "Privacy Paradox"

Users express concern about their privacy...

...but typically do little to protect their data, and rarely use privacy settings.

Example academic lit review.

A problem so big -- what can *I* do about it?

Digital privacy (like global warming) is a problem so vast and abstract -- it's hard to even define, let alone understand what to do.

Opinion | [THE PRIVACY PROJECT](#)

Privacy Is Too Big to Understand

Like global warming, consumers may be anxious but unsure what *they* can do.

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Source: Charlie Warzel (NYTimes)
An example of a hyperobject? (Timothy Morton)

Consumers want **choices** so they feel more in control

Worried about [global warming?](#)



The advertisement features the SolarCity logo at the top left, followed by a photograph of several houses with solar panels installed on their roofs. Below this is a large image of a red Tesla Model 3 car parked in front of a white building with a Tesla sign. The Tesla logo is prominently displayed on the front of the car.

Worried about [digital privacy?](#)



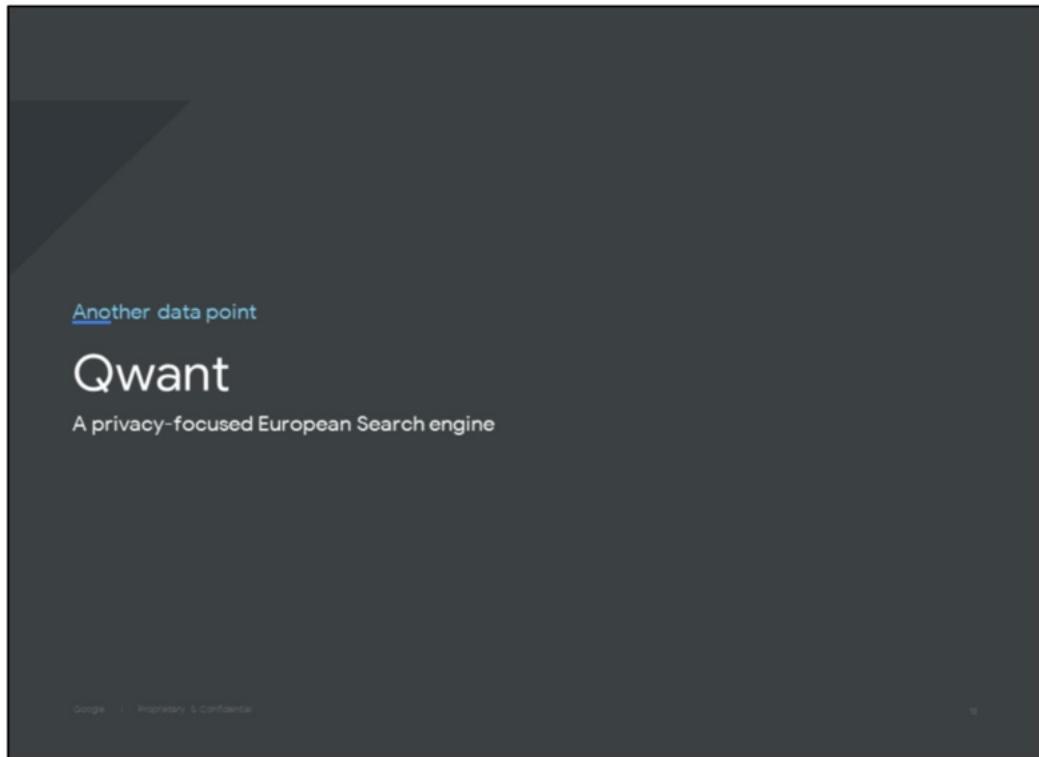
The advertisement features the DuckDuckGo logo at the top left, followed by a photograph of a billboard with the text "Google tracks you. We don't." and the DuckDuckGo logo. Below this is a photograph of an iPhone X with the text "Privacy. That's iPhone." displayed on its screen. The background of the advertisement is a dark, textured surface.

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I'm worried about global warming, but also not sure what I can do exactly.

I've called my congresspeople, put solar panels on my roof, and am getting a plug-in Prius. Does this solve the problem? No. But it makes me feel a little more in control, and that I'm helping in some small way.

Privacy may be similar.





Qwant

The search engine that respects your privacy.

Qwant, the European search engine that respects your privacy

Based and designed in Europe, Qwant is the first search engine which protects its users freedoms and ensures that the digital ecosystem remains healthy. Our keywords: privacy and neutrality.

Respecting your privacy

Qwant delivers the best available results to your queries and never tries to guess who you are or what you are doing. We strongly believe that what you search on the Web is an important part of your privacy.

Therefore Qwant never records your searches and never uses your personal data for advertising or other purposes.

Neutrality and impartiality

Qwant allows the whole Web to be visible without any discrimination and with no bias.

Our sorting algorithms are applied equally everywhere and for every user, without trying to put websites forward or to hide others based on commercial, political or moral interests.

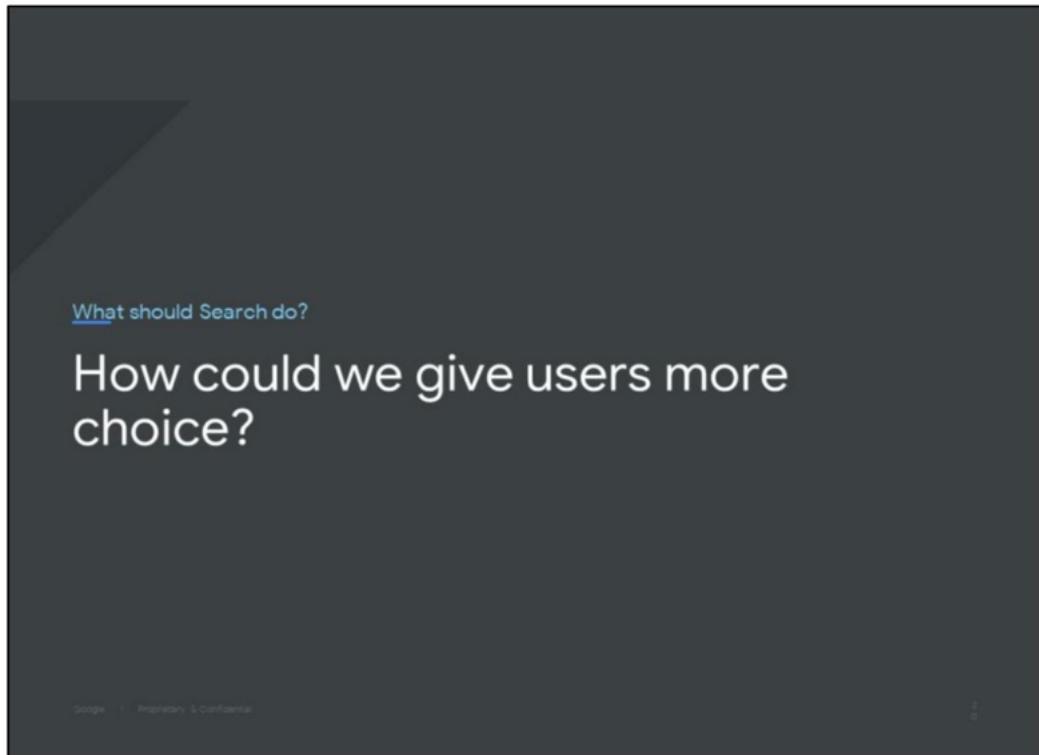
Based in Europe

Qwant respects the European laws and cultures, and contributes to developing the digital economy of each of the European Union and European countries.

It is based in France, with headquarters in Paris and teams spread across the territory.

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Source: <https://about.qwant.com/>



Focus on the (privacy-conscious) **user**

We shouldn't overly focus on what **competitors** are doing or saying.

Instead, we should ask how we can offer more **privacy choices** to our **users**.

How could we help users feel more **in control**, and in the **driver's seat** about the privacy **trade-offs** they're making?

Designing for **slogans**

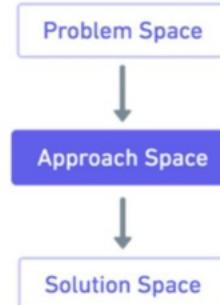
Before jumping to solutions, what simple **slogans** (or "clean statements") would we like to be able to make?

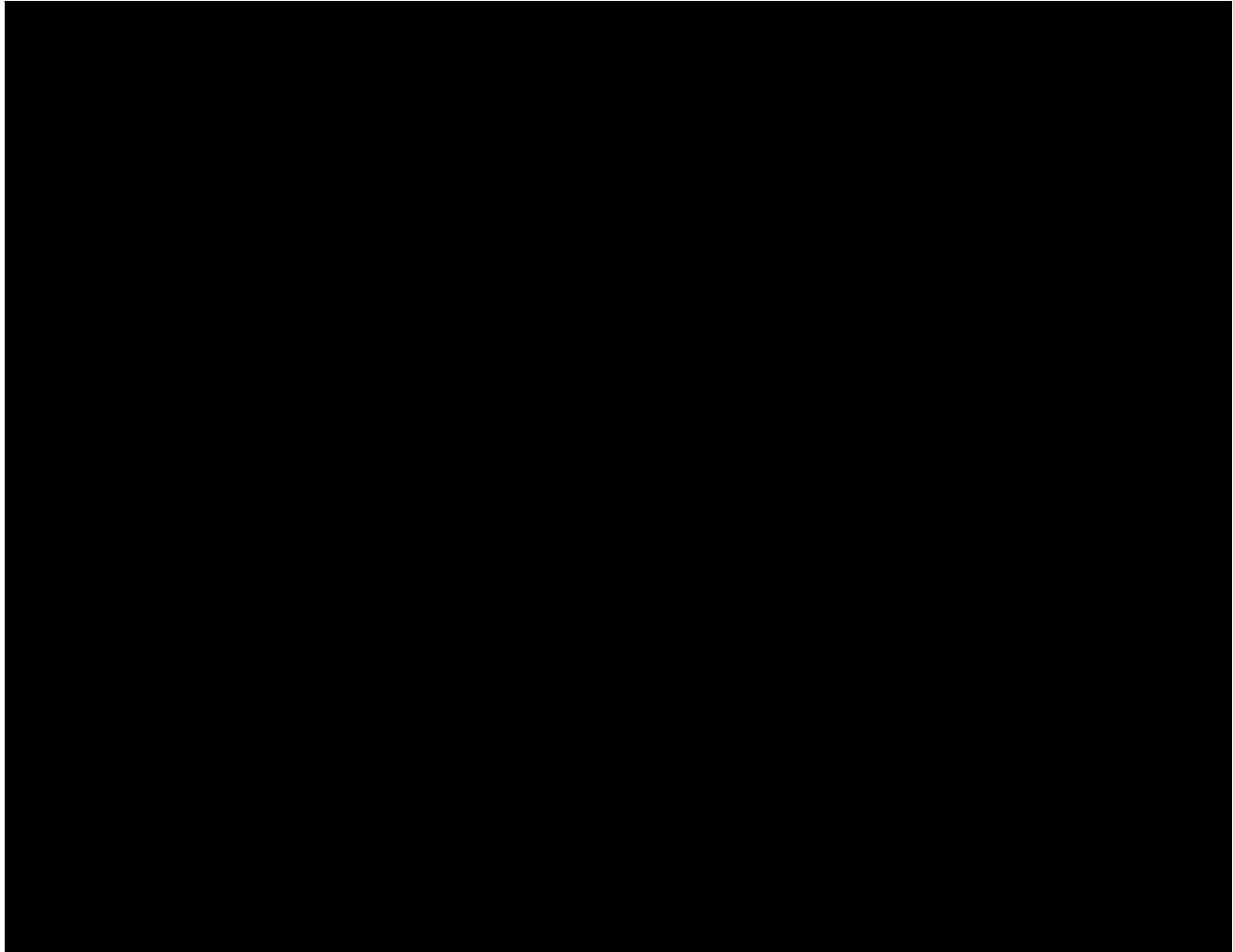
- Search doesn't **track** you.
- We give you **control** over what data we collect.
- **Ads** target your search query, not you.
- Search doesn't put you in a personalized **filter bubble**.

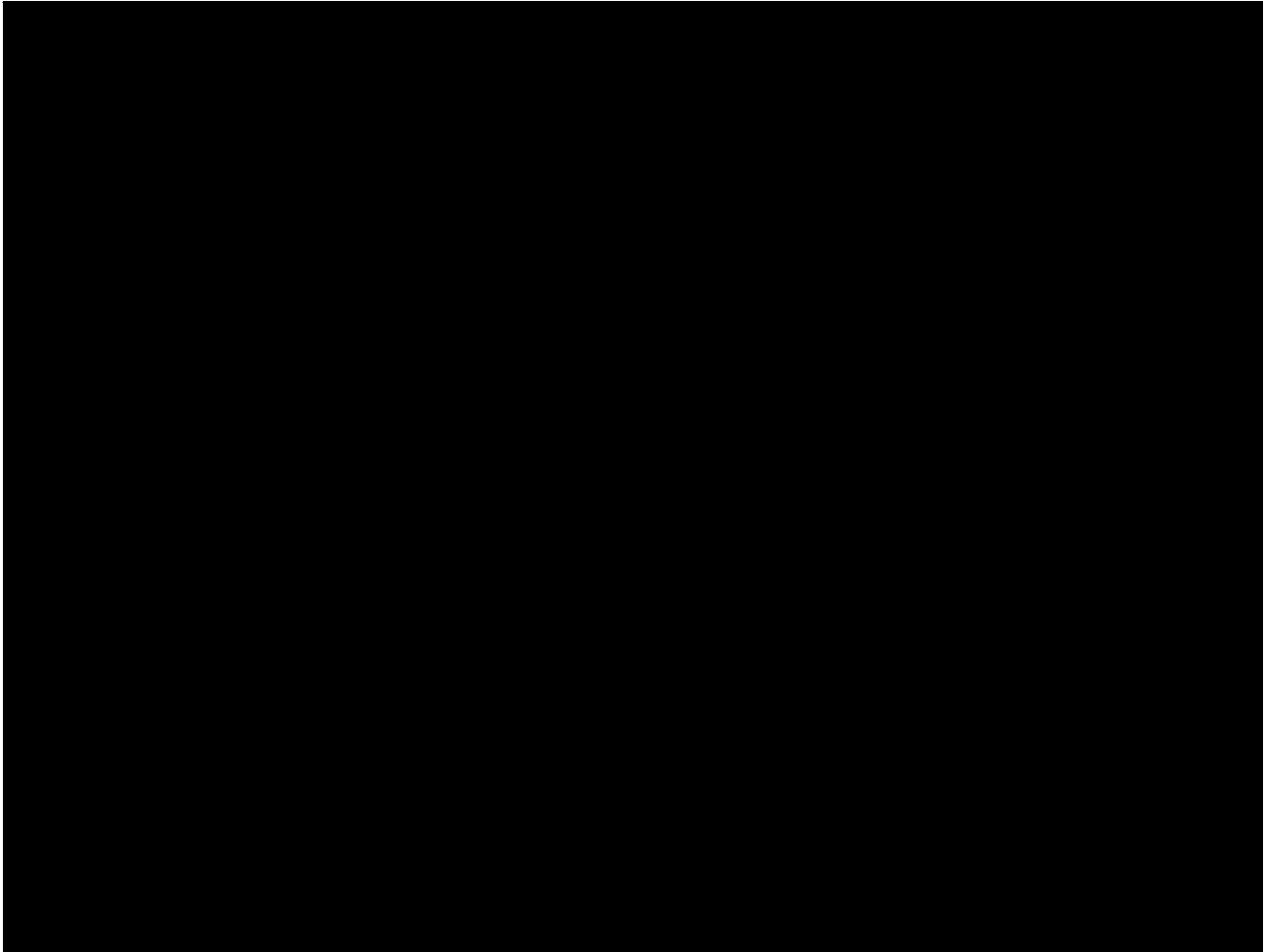
From Problem → Approach

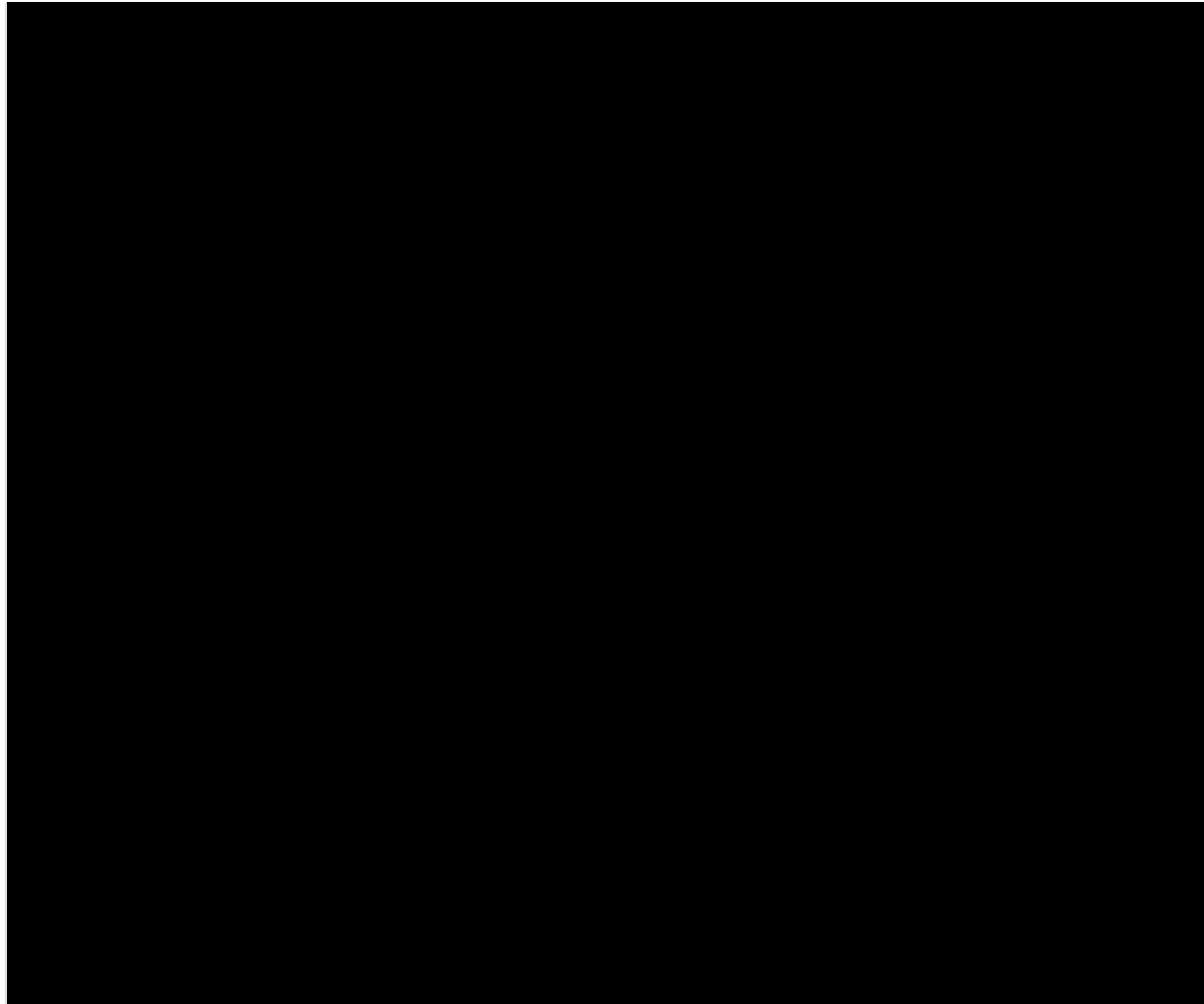
What are some approaches we could take?

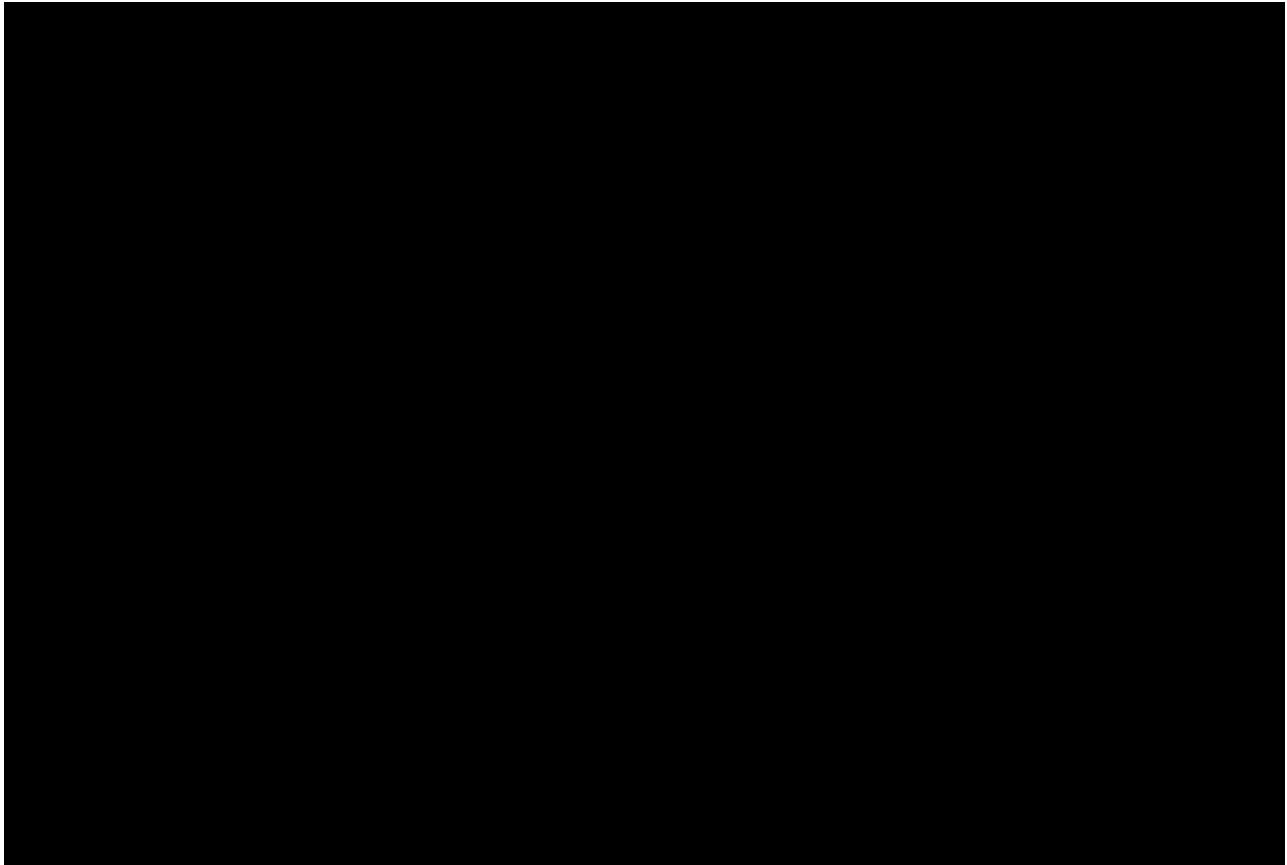
Ideas or wireframes, not detailed proposals/mocks.

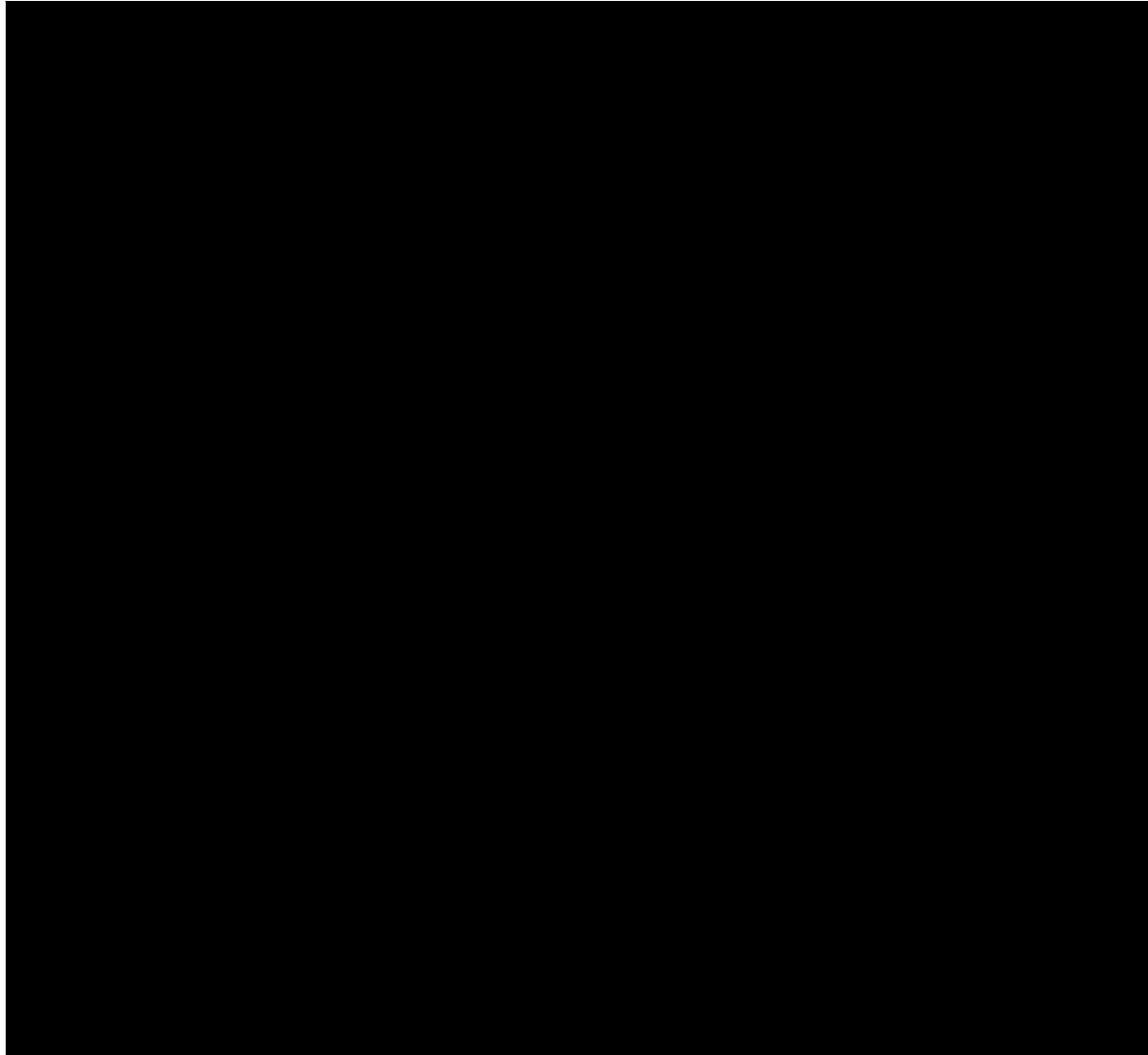


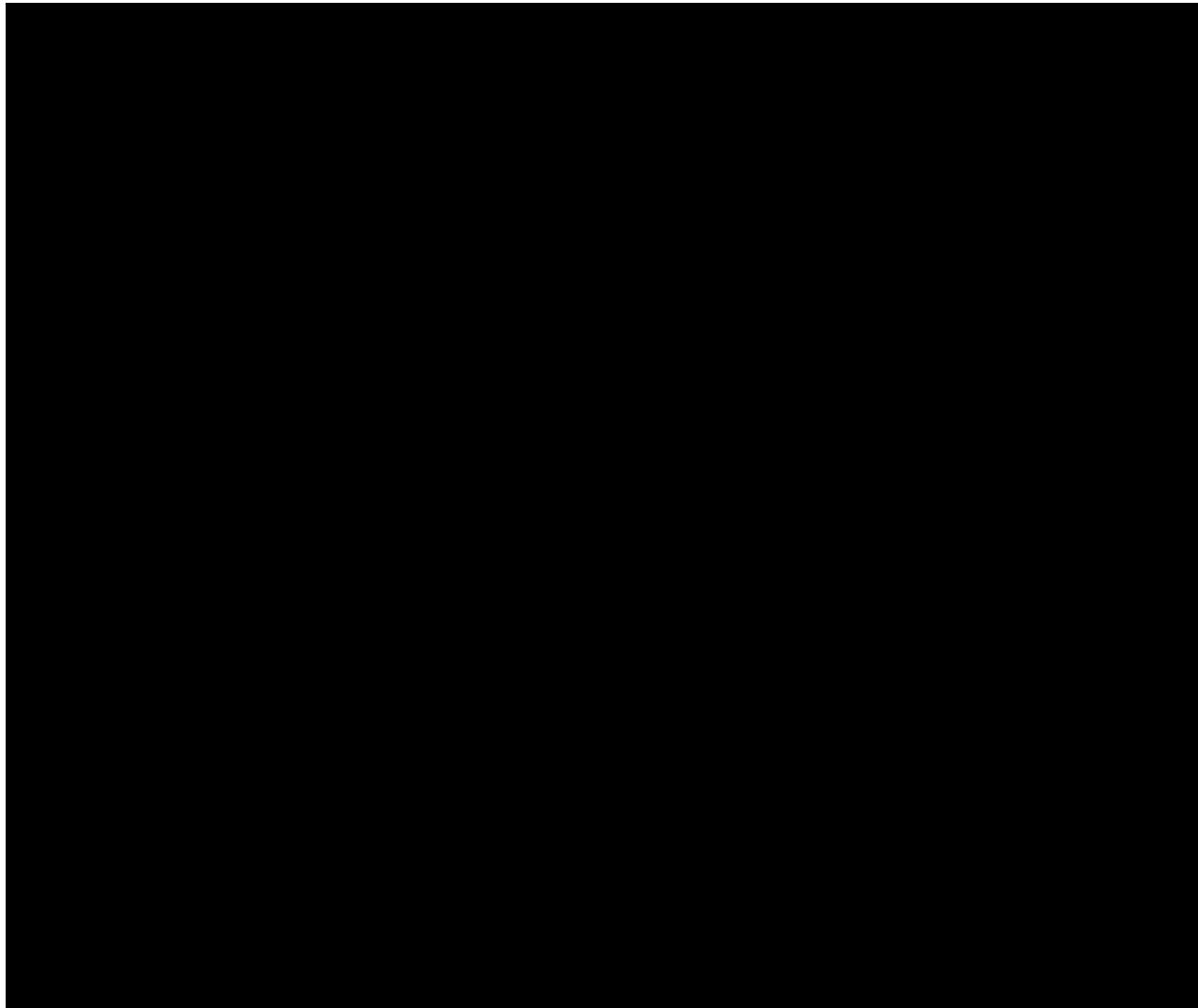




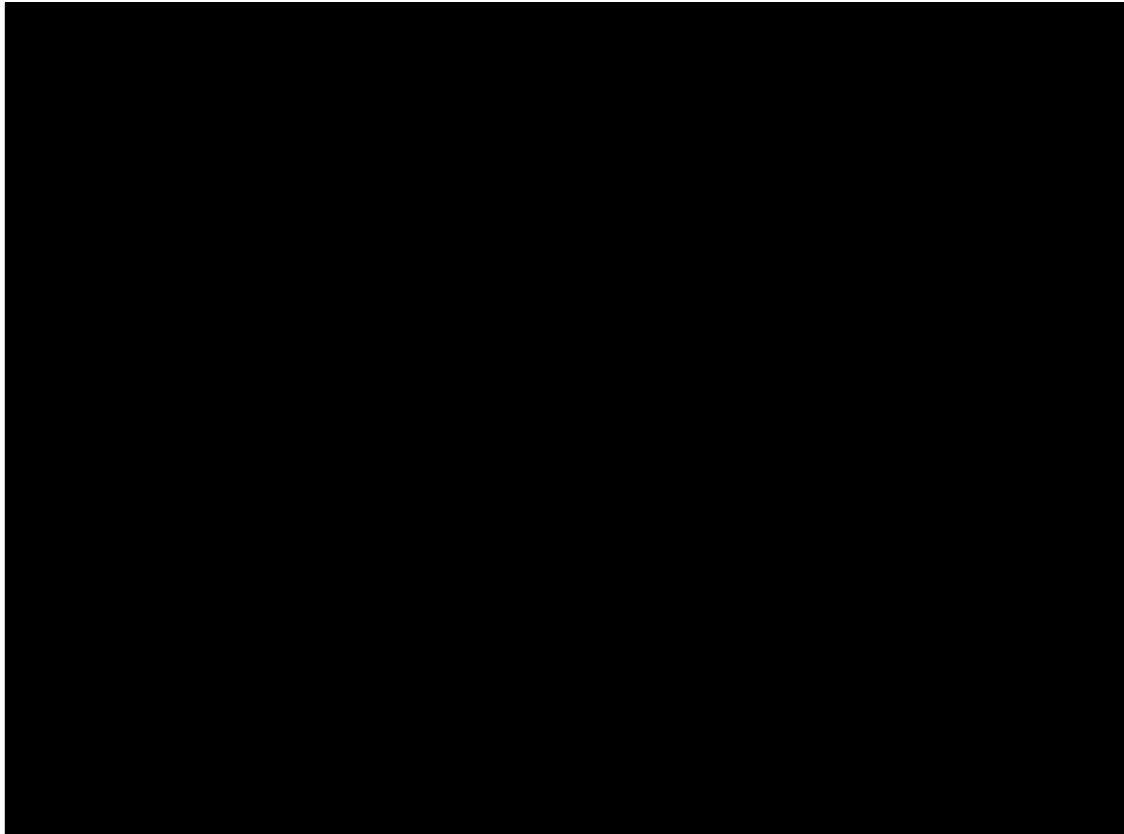


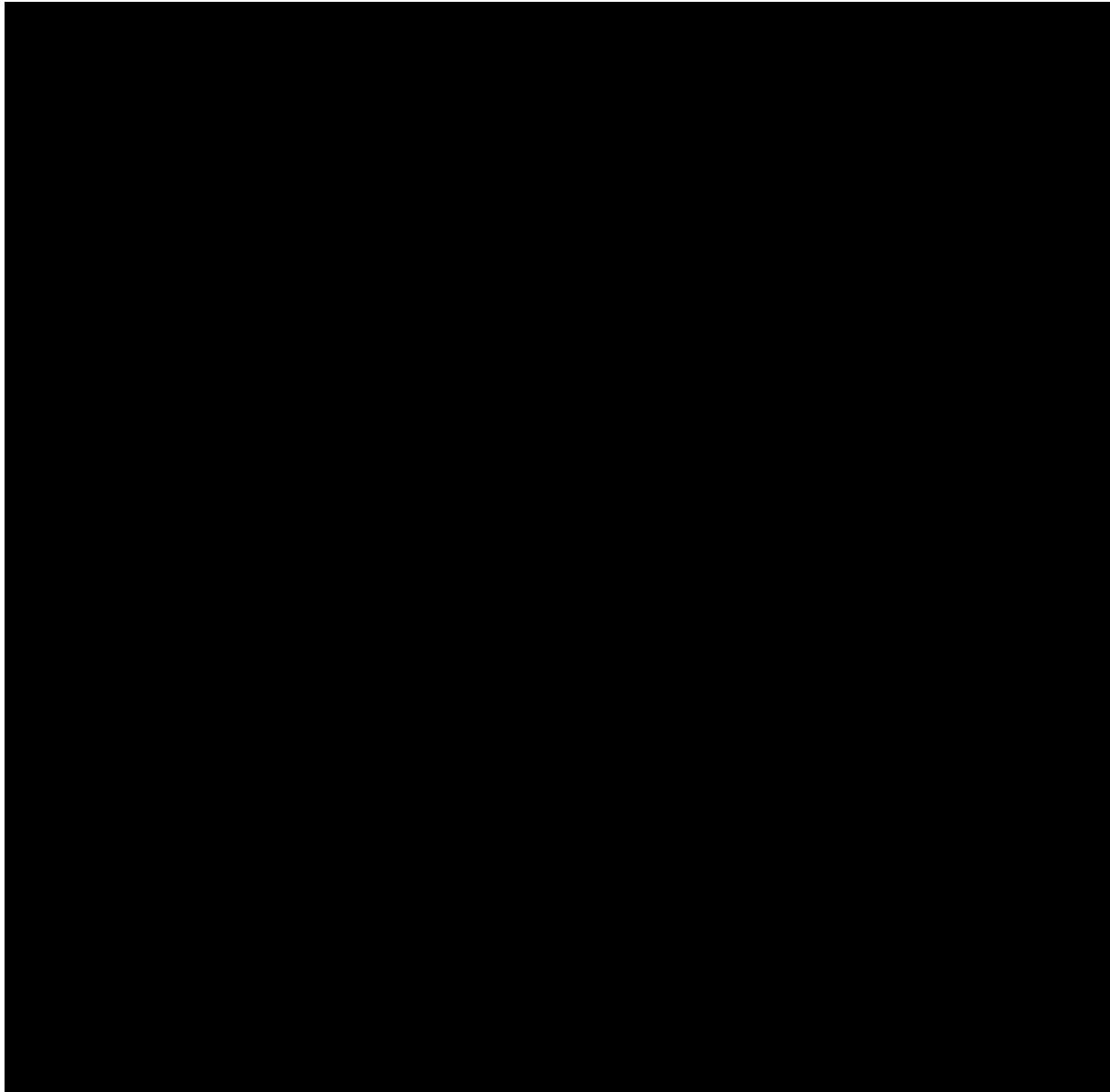












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Highlights from DDG Senate testimony (Mar 2019)

"Have you ever searched for something only to see an ad for that very thing pop up in a mobile app or on a different website? DuckDuckGo helps you avoid these types of scenarios by seamlessly reducing your online digital footprint."

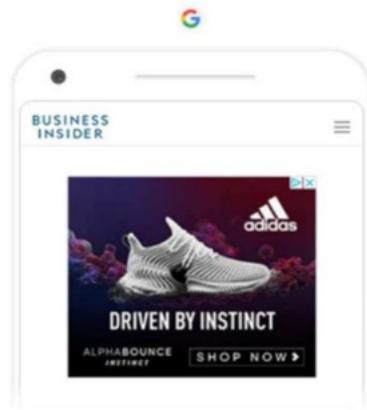
"Every time you search on DuckDuckGo, it's like you are searching on our site for the first time. **We do not even have the concept of a search history.**"

"Our [privacy policy](#) is straightforward and doesn't require a law degree to decipher: **We simply do not collect or share any personal information at all.** That's it — no confusing settings to fiddle with, no jargon-filled pages to read. Yet, even with this simple privacy policy, we nonetheless are able to make money through advertising."

Source: <https://spreadprivacy.com/us-senate-testimony/>

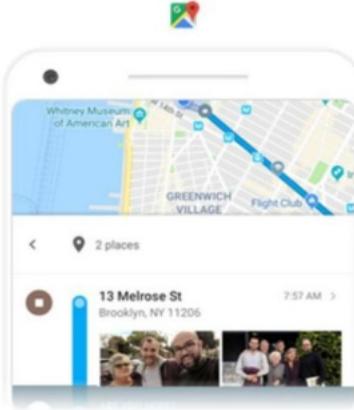
Recent research around trigger moments

The surprise you feel when you encounter data personalization you didn't expect, positive or negative.



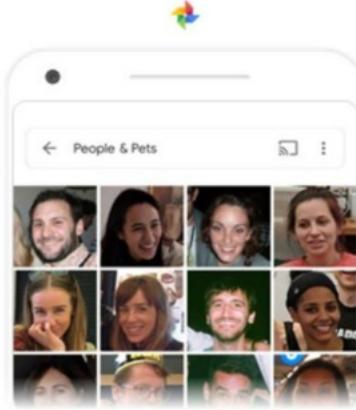
Perceived misuse of my personal information.

"Why is Google showing me this ad everywhere?"
"Is Google selling my information?"



Lack of control over features involving personal info.

"Is Google always tracking where I am?"
"When did I tell Google where I took these photos?"

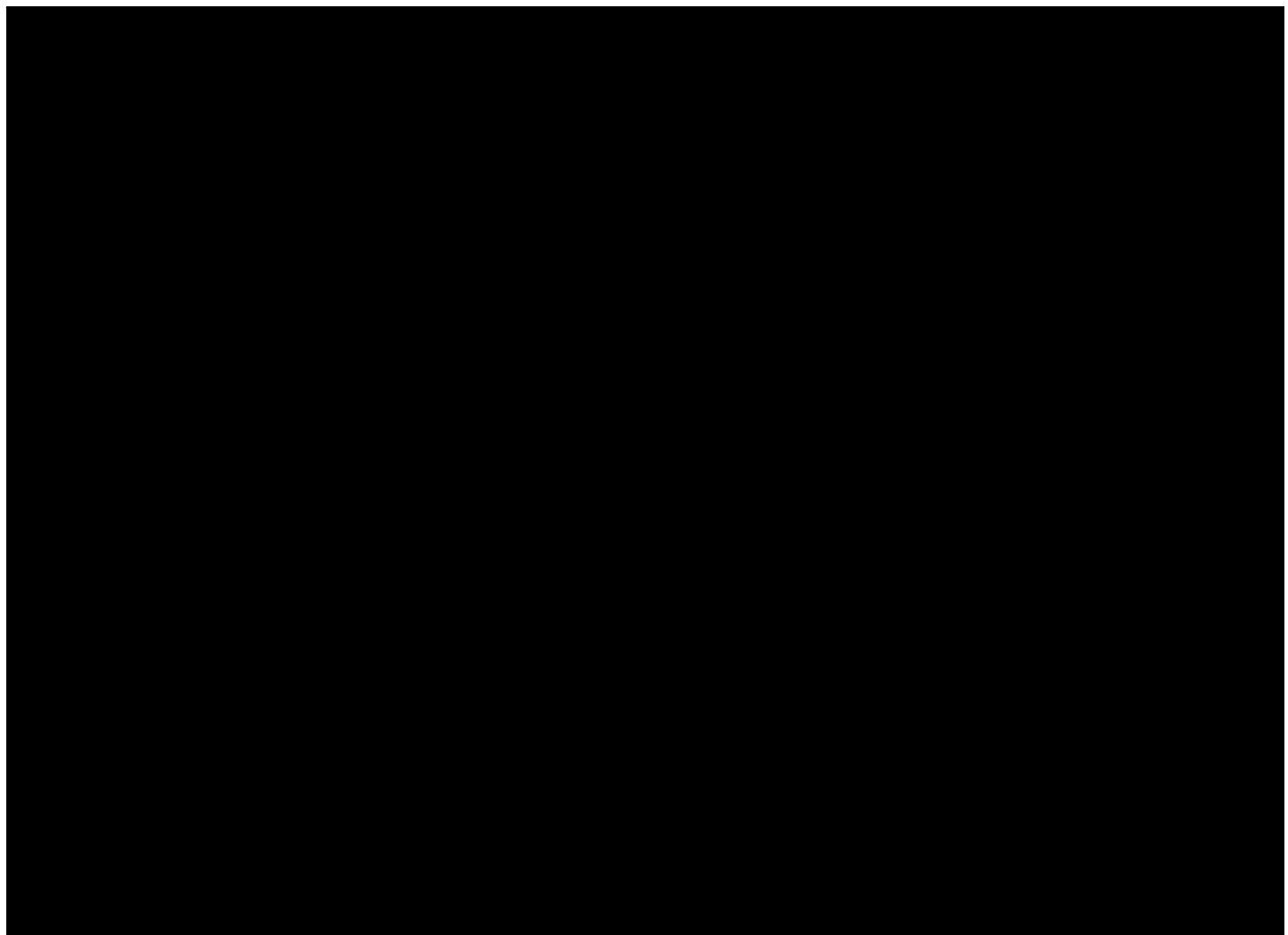


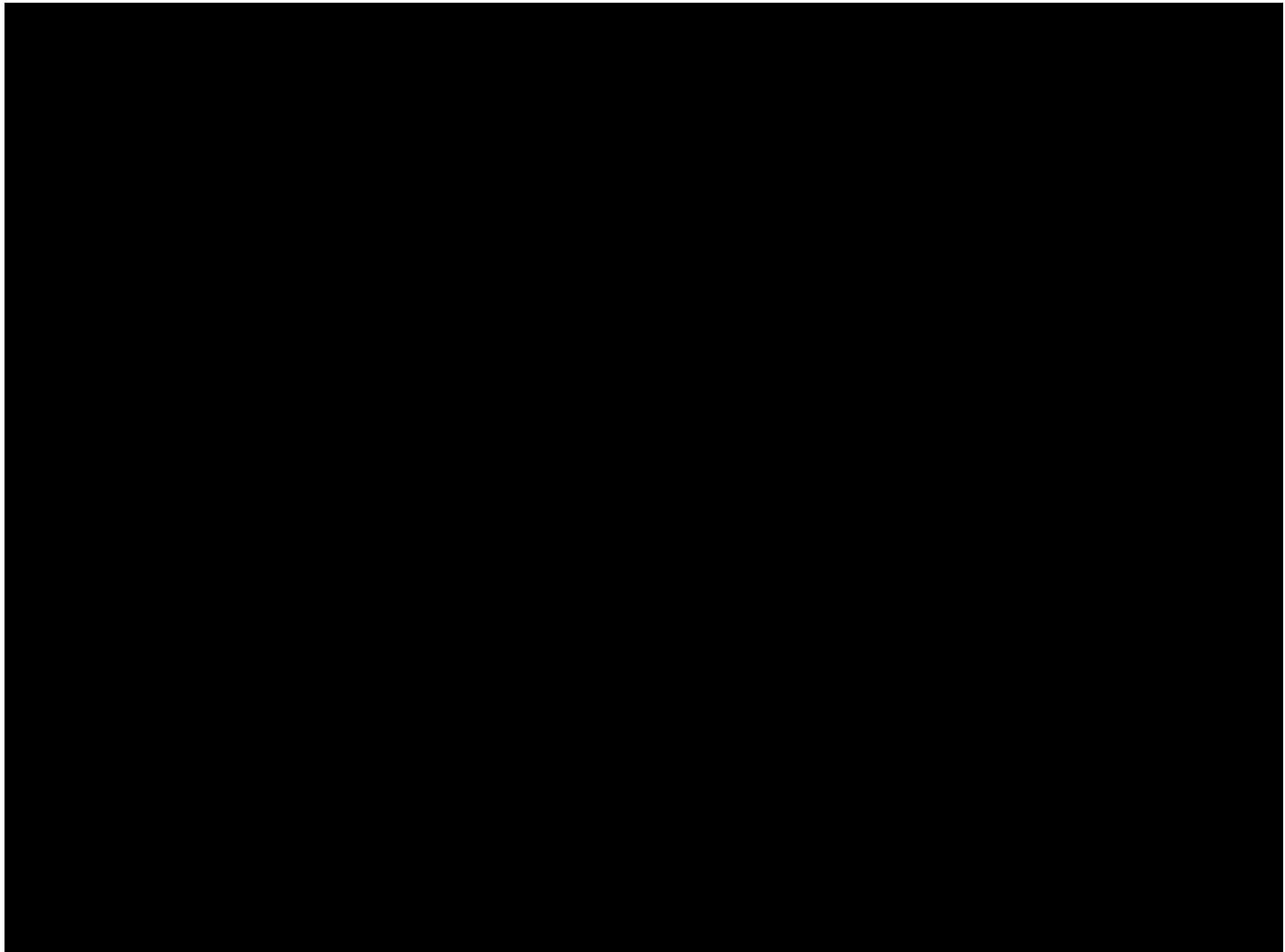
Uncertainty about how something works.

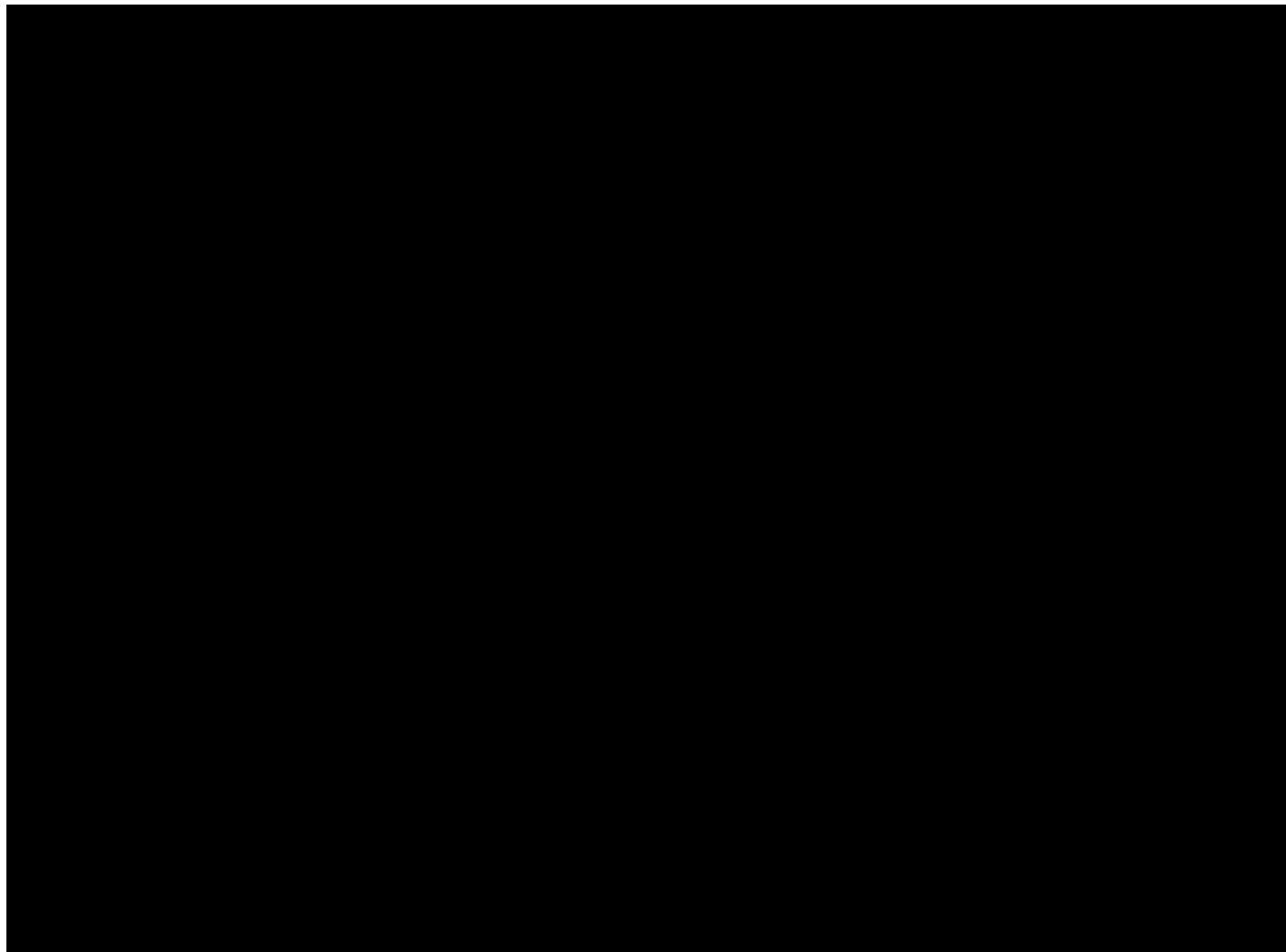
"How does Google know how to recognize my friends?"
"What else is Google tracking?"

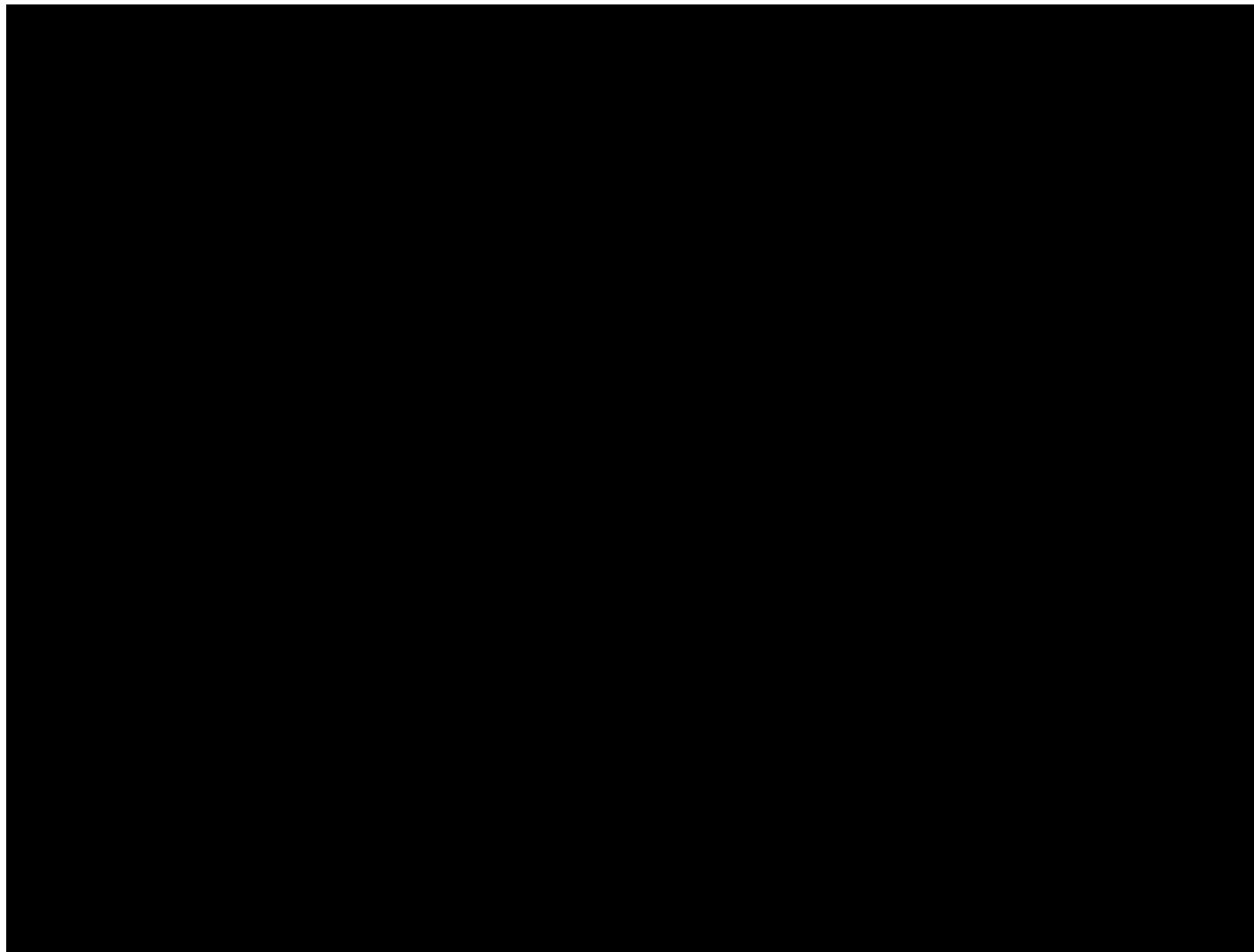
Google

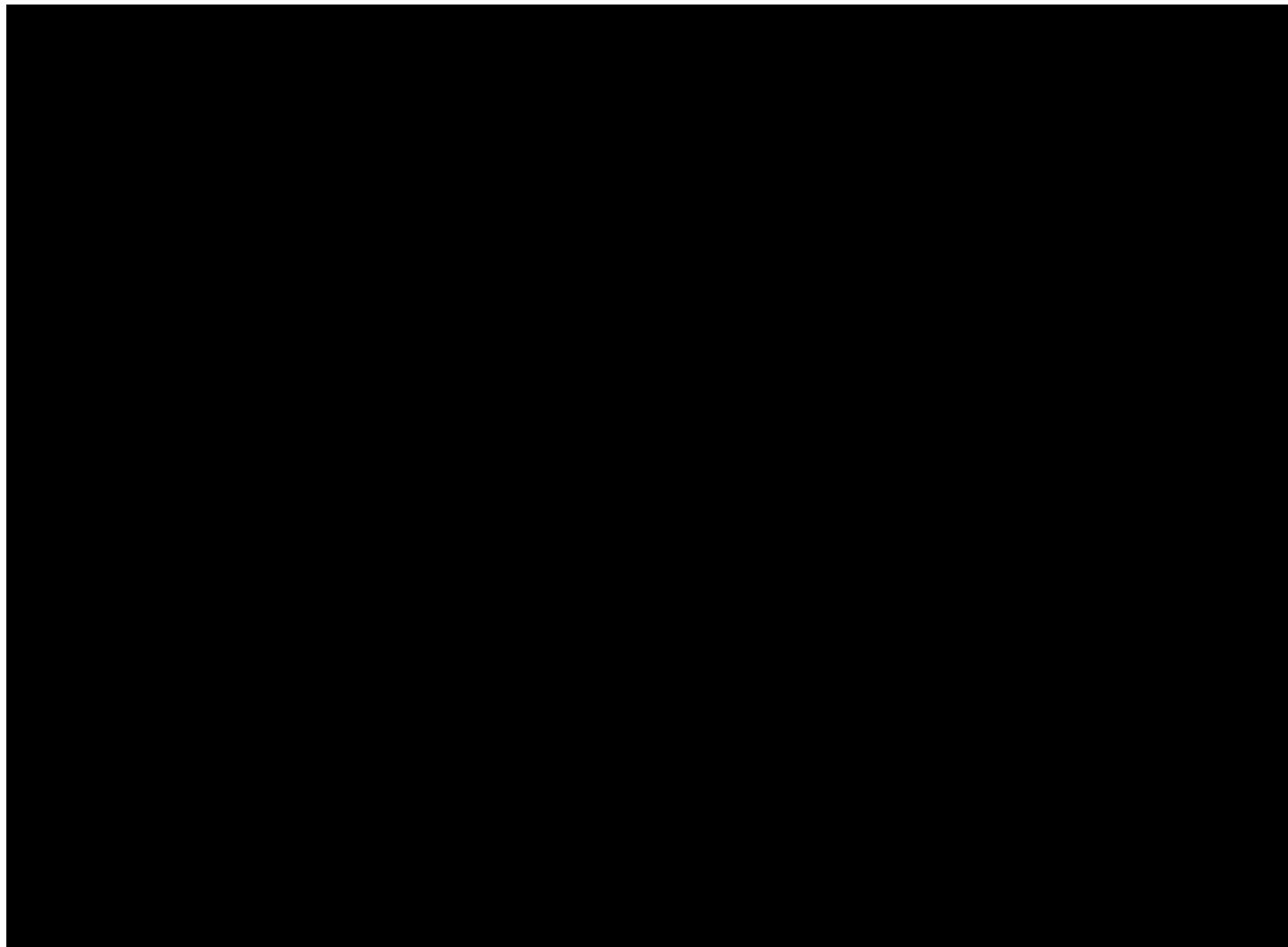
Privileged + confidential

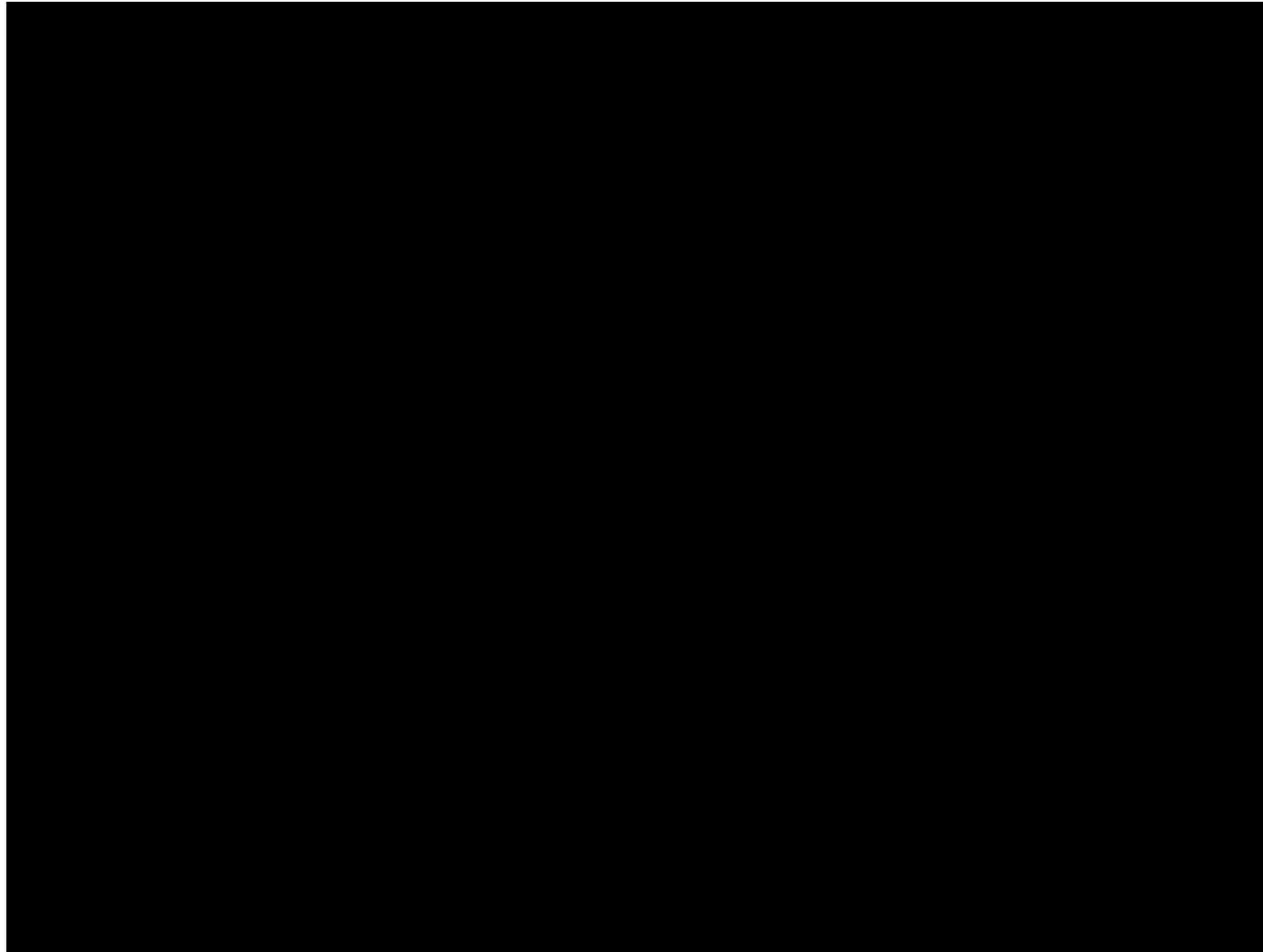












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Searches can be very private

My wife is pregnant and searches Incognito many times per week because she doesn't want Google to "know things about her" or her coworkers to "see" things she's searched for that might pop up somewhere at work.

But she uses Facebook & Instagram every day with no qualms (she already assumes anything she does there is widely visible). And she buys everything on Amazon.

Search history can contain some of the **most private** online activity:

- Health info
- Info about sexual orientation, or religion
- Controversial political topics
- Porn
- etc
- (We can try to filter this out, but if users already doubt whether to trust us, will they feel safe?)